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CALIFORNIA LABOR FEDERATION, AFL-CIO

21ST BIENNIAL CONVENTION

***"THE ACCOMPLISHMENTS AND LEGACY OF JACK HENNING
AS LEADER OF THE CALIFORNIA LABOR FEDERATION"***

Delivered by:

William B. Gould IV
Chairman
National Labor Relations Board
Charles A. Beardsley Professor of Law
Stanford Law School (On Leave)

July 30, 1996
10:15 a.m.
Hyatt Regency Hotel
Los Angeles, California

Thank you! The opportunity to join my long-time friend Jack Henning and my many other friends in this great labor organization here in my home state is welcome indeed. And after nearly two-and-a-half years "inside the Beltway" it is good to be back in California to see old friends, make new ones and, most important, to gain more insight as to the impact of what we do in the real world in discussions with federations like yours, unions, employers and the public.

Your organization is a great one. You are committed always to the improvement of working conditions and the quality of life for all people, not just your members.

This year is an important one -- both personally for Jack and myself as we push beyond our 60th and 80th year respectively -- but also it is the last year of Jack Henning's remarkable leadership of this Federation. And Jack, on behalf of the Clinton Administration and all who are devoted to the elimination of unfairness and inequity for the left behind, the ostracized and whose who aspire to and do in fact travail, we thank you for your decades of leadership and stewardship both here in California and for the United States government.

I want to take advantage of this occasion to thank you in organized labor as well as the corporate representatives and the many members of Congress who supported the National Labor Relations Board in staving off efforts to decimate our agency with a 30 percent budget cut. So many in the California Democratic Party delegation were instrumental in forestalling the effort led by House Republicans to subvert the rights conferred on working men and women by the National Labor Relations Act of 1935 -- and I want to thank them as well as yourselves.

In particular, from the Los Angeles area, Representatives Matthew Martinez, Maxine Waters and Xavier Becerra, have been most helpful. Congressman Martinez is the ranking minority member on the House Employer-Employee Relations Subcommittee which deals with a variety of matters affecting our agency. I was also pleased to hear Congresswoman Waters address my son Bill's graduation from the UCLA School of Social Work graduate program.

Also, I want to thank Congressman Becerra who was a student of ours at Stanford Law School. He has been the principal spokesman against the recent Campbell amendment which would deny National Labor Relations Act coverage to undocumented workers.

Finally, I would be remiss not to mention Congresswoman Nancy Pelosi from San Francisco who holds a key position on the House Appropriations Committee. She has been a pillar of strength for us in our ongoing budget struggles.

As the budget battles moves to the Senate, we are counting on their help and your help again this year to turn back attempts to cripple our ability to conduct prompt

certification elections and process unfair labor practice complaints by slashing our budget and attaching last-minute, restrictive riders to our appropriations bill for 1997.

In reviewing some of the history of the labor movement in California I was reminded that open shop and right-to-work law campaigns in the 1940s and '50s were defeated with the help of Republicans Earl Warren and Goodwin Knight, whose candidacy for governor and senator were endorsed by the Federation. Interestingly, both the U.S. and California Chambers of Commerce weighed in against the 1944 right to work bill in recognition of the "right of employers and employees to contract voluntarily as they see fit."

The right-to-work issue reared its head again in the 1950s when "Senator William Knowland seemed to feel that the time was propitious for curbing union security and that the enactment of anti-labor legislation was not only possible but would give a decided political advantage to its promoters."¹ At the 1957 Federation convention, Governor Knight lamented Knowland's attempt to transform the Republican Party into an anti-labor party. Knight's remarks were prophetic. In 1958, Knowland was defeated for governor by Edmund Brown, and Knight for the Senate by Clair Engle. And the right-to-work proposal lost by nearly a million votes.

Today, anti-labor William Knowland-types are again ascendant in the GOP and in some of the organizations that purport to speak for employers in this country. In addition to right-to-work, repealing Davis-Bacon and gutting OSHA and the National Labor Relations Act are high on their agenda.

Earlier this month, the same Senators who fought against increasing the minimum wage introduced a national right-to-work bill. Senator Phil Gramm, one of 22 Republican co-sponsors of the proposal, said there was "no issue that better defines the differences between the two parties." Senator Lauch Faircloth, the bill's chief sponsor, said, "We're going to keep bringing it up, and we don't plan to let it die."² Fortunately, 21 moderate Republicans joined all 47 Democrats in voting to kill the Faircloth-Gramm bill. On the same day, however, the Senate took a step backward toward the 1930s when it approved the TEAM Act designed to open the door to company unions in a party-line vote of 53 to 46, well short of the two-thirds needed to over-ride a veto.

On the minimum wage issue, 27 Republicans, in a belated effort to undo some of their self-inflicted damage from the 104th Congress, voted with all Senate Democrats for a clean bill to increase the minimum wage.

¹ Philip Taft, *Labor Politics American Style: The California State Federation of Labor* 240 (1968).

² *Daily Labor Report*, No. 133, July 11, 1996.

The Hatfields and Chaffees and Specters and other moderates who, in the tradition of Earl Warren and Goodwin Knight, support constructive labor-management relations and worker rights and a balanced approach to social legislation have been increasingly pushed into a corner in the Senate by the minions of the tobacco industry, the National Rifle Association, the fundamentalist right of Jerry Falwell, Pat Robertson and Phyllis Schlafly, and those in the party who try to profit by fanning the embers of racial disharmony in our land.

The California Federation of Labor under Jack Henning's leadership has led the nation for many years in its accomplishments for working men and women.

The California Federation was considered by the preeminent labor union historian, Philip Taft, to be the prototype of all state labor federations. Taft chronicled it in one of his more notable books on labor history entitled *Labor Politics American Style: The California Federation of Labor*. The book is a rich lode of fascinating historical details on one of the most colorful and successful labor organizations in the country.

As I am sure most of you know, the Federation's origin dates to December 1900 when a committee was set up by the San Francisco Labor Council chaired by Walter MacArthur of the Sailor's Union of the Pacific. Sixty-one out of the 217 unions in the state sent delegates, the majority from the San Francisco Bay area. An assessment of one dollar from each delegate raised \$161, and the federation was launched.³

Despite the meager financing and uneven support provided by its constituent unions in its early years, and even up to World War II, the Federation rapidly emerged as the spokesman for organized and unorganized workers in the state of California. The Federation's representative in Sacramento became the chief representative of the labor movement and effectively supported legislation favored by labor and opposed laws designed to restrict worker activities. It also actively supported many programs which it believed to be in the broader public interest such as the enlargement of public education at all levels for all citizens and broadening of the right to vote. The Federation has been a stalwart opponent of regressive sales and excise taxes and a supporter of the progressive income tax for individuals and corporations.⁴

The success of the Federation in accomplishing its legislative agenda has been remarkable in view of the diverse and often fractious nature of the labor movement in this state. Although the California Federation opposed the expulsion in 1936 of the 10 affiliated unions involved with the CIO by the AFL, the invasion by the CIO of established jurisdictions and the raiding of existing unions quickly dispelled any tendencies toward

³ Taft, *supra* note 1, at 19.

⁴ *Id.* at 230.

sympathy for the CIO. And, at the 1940 convention, Secretary-Treasurer Vandeleur declared that the "major threat to the American Federation of Labor in California . . . came not from the employers but from the CIO."⁵

Of course, it was not long before the National Labor Relations Board was caught in the crossfire between the AFL and CIO unions. A dispute between the California Federation and the CIO in the cannery industry led to charges by the Federation of collusion between the San Francisco regional office of the NLRB and the CIO.

The continuing battles with the CIO in the 1930s and 1940s also led to conflict within the California Federation. The Federation survived the turmoil within and the assaults from without and increased its influence not only because of the traditional strength of the union movement in California and because of the energy and wisdom of a series of strong and honest leaders who have headed the organization since its inception nearly a hundred years ago.

The California Federation has not always toed the AFL-CIO line. In 1972, it was one of two state labor federations to endorse Senator McGovern's candidacy for President. I understand that this matter was debated at the convention and resolved by democratic ballot, a vote in this case vindicated by Nixon's Watergate debacle.

Jack Henning is the most recent and most distinguished of this unusual breed of California labor leaders who manage to combine idealism and pragmatism into a remarkably effective effort to protect and advance the interests, broadly defined, of working men and women. I am pleased to have known him personally for the past two decades. He is one that I have revered from afar and have felt privileged to know personally.

As you all know, Jack Henning's wisdom is great and his accomplishments are many. They include:

- three years as Director of the California State Department of Industrial Relations;
- working with Clark Kerr and Earl Warren to create the Institutes of Industrial Relations at Berkeley and UCLA;
- 12 years as Regent of the University of California;
- five years as Under Secretary of Labor of the United States;
- two years as U.S. Ambassador to New Zealand; as well as

⁵ *Id.* at 112.

-26 years as head of the greatest labor organization of its kind in the world where he led the fight more than once to stop the passage of a right-to-work law in California and for the passage of much important legislation, including the Agricultural Labor Relations Act of 1975 and many state laws of great significance for citizens of California.

I am honored to be here today representing the Clinton Administration to salute my good friend Jack Henning and to wish him the best in the years ahead!

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